

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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STELLAR BEACH RENTALS, LLC
and JOHN KOZAK,

Civ. A. No. 1:23-cv-00955

Plaintiffs,

-against-

REDSTONE ADVANCE, INC.,
GAVRIEL YITZCHAKOV a/k/a GABE ISAACOV,
SIMON YITZCHAKOV a/k/a SIMON ISAACOV,
CITY CAPITAL NY LLC D/B/A REDSTONE ADVANCE,
YOEL GETTER, NAIR & LEVIN, P.C.,
JOHN DOES 1-10, and
JOHN DOE INVESTORS 1-10,

Defendants.

**EMERGENCY
DECLARATION IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

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I, JONATHAN E. NEUMAN, ESQ., declare pursuant to 28 U.S.C. § 1746 as follows::

1. I am the attorney for the Plaintiffs in the above-entitled action and am fully familiar with all of the facts and circumstances heretofore had herein. I make this emergency declaration in support of Plaintiffs' instant motion for a preliminary injunction and for a temporary restraining order pending the determination of this motion.

2. No prior request for this relief has been made in any court.

3. As set forth in Plaintiffs' accompanying declaration and as set forth more fully in the Complaint (annexed hereto as **EXHIBIT 4**), as a result of Defendant CITY CAPITAL NY LLC D/B/A REDSTONE ADVANCE's unlawful actions, Plaintiffs' business has been put into a stranglehold, and Plaintiffs are on the verge of defaulting on a number of pending closings, which will irrevocably destroy Plaintiffs' business and reputation that Plaintiffs spent nearly a decade building up. Absent immediate intervention of this Court, Plaintiffs will suffer irreparable harm.

4. Accordingly, Plaintiffs are in need of emergency temporary relief, specifically a temporary restraining order directing Wells Fargo Bank, N.A., Truist Bank, and Bank of America, N.A. to unfreeze the accounts that have been frozen/levied, and/or put back the money into Plaintiffs' accounts that were withdrawn as a result of Defendant CITY CAPITAL NY LLC D/B/A REDSTONE ADVANCE's unlawful prejudgment levies/attachments, and a direction not to honor any further levy/attachment attempts by Defendants.

5. For the reasons set forth in the accompanying memorandum of law, it is respectfully submitted that Plaintiffs have demonstrated a likelihood of success on the merits.

6. As there will be no costs or damages if an injunction is granted, it is respectfully submitted that there is no need for any security, which would be counterintuitive to the very relief being requested.

7. Due to the exigent and emergency nature of the request, and the fact that this emergency relief request is being filed with the complaint, there is not sufficient time to put any of the Defendants on notice of the application.

This declaration is submitted pursuant to 28 U.S.C. §1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2023 in Fresh Meadows, New York.

/s/ Jonathan E. Neuman
JONATHAN E. NEUMAN, ESQ.